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Letter dated 20 June 2001 from the Permanent Representative of Indonesia to the United Nations addressed to the President of the Security Council

Upon instructions of my Government and in reference to the item entitled "The Situation in East Timor", I have the honour to enclose herewith a document concerning the findings of the international observers on the registration of East Timorese in Nusa Tenggara Timur, dated 6 June 2001.

In this regard, the results of the registration process reflect that from a total of 113,791 participants, 1,250 (1.10 per cent) East Timorese refugees elected to return to East Timor while 111,540 (98.02 per cent) opted to remain in Indonesia and 1,010 (0.88 per cent) abstained.

It would therefore be highly appreciated if the present letter and its annex were circulated as a document of the Security Council.

(*Signed*) Makmur **Widodo**
Ambassador
Permanent Representative

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Annex to letter dated 20 June 2001 from the Permanent Representative of Indonesia to the United Nations addressed to the President of the Security Council

Findings of the international observers on the registration of East Timorese in Nusa Tenggara Timur 6 June 2001

Terms of reference

On 6 June 2001, the Government of the Republic of Indonesia conducted a registration of East Timorese refugees in the province of Nusa Tenggara Timur. The objective of the registration was to both ascertain the precise number of East Timorese currently in Nusa Tenggara Timur as well as to determine how many wished to remain in Indonesia and how many wished to return to East Timor. The results of the registration were expected to assist the Government in planning concrete actions to lead towards a solution to the East Timorese refugee problem.

Twelve international observers were present in five districts on the day of registration. As described in their terms of reference, drafted by the Department of Foreign Affairs, the objective of the observers was to attend and observe all steps of the registration procedure on the day, namely:

- The assembly and briefing of refugees;
- The conformity of registration facilities with those agreed upon;
- Presence in the registration area and around registration facilities;
- The identity of registration personnel and interpreters;
- The completion of registration forms;
- The confidentiality and integrity of the procedure;
- The completion of data analysis.

The observers attest to the fact that they were given full and free access, and were facilitated in this through the provision of security personnel and government liaison officers. The observers would like to record that the accompanying government officials from the Departments of Foreign Affairs, Transmigration and Manpower, and Housing and Public Works greatly facilitated their work and their access to the registration process.

Composition of the team

The following States and international organizations contributed observers:

Brunei
China
Japan
Korea
Malaysia
Mozambique
Norway
Philippines

Portugal
Thailand
International Organization for Migration (IOM)
United Nations Transitional Administration in East Timor (UNTAET)

The IOM observer was selected as Coordinator by the other observers. Those observers who so wished were free to bring along interpreters of their own choosing. Four did so.

Geographical areas covered

The observers were present in all five districts of West Timor. The selection of the subdistricts visited was largely made on the basis of logistical considerations. None were present in Nusa Tenggara Timur districts on other islands. Registration points were visited in the following subdistricts:

District	*Subdistrict*
Kota Kupang	Alak
	Kelapa Lima
	Oebobo
Kupang	Kupang Timur
	Kupang Tengah
Timor Tengah Selatan	Soe
Timor Tengah Utara	Kefamenanu
	Insana Utara
Belu	Atambua
	Tasifeto Barat
	Tasifeto Timur

In selecting their sites, observers attempted where possible to visit a mixture that would include urban and rural, camp and non-camp. Of 507 registration points located throughout Nusa Tenggara Timur, the observers visited 120 in 11 subdistricts between 8 a.m. and 8 p.m. on 6 June.

A comparison of the observers' notes showed little difference in the observations made between the different districts and subdistricts. As such it is felt that the number and location of the sites visited were sufficient to enable the observers to draw conclusions from their observations that hold true for the registration process on the day.

Procedural observations

As per their terms of reference the observers informed registration supervisors, either directly or through their liaison officers, of any anomalies observed and in some instances assisted in rectifying them. The observers undertook their work

through visual inspection as well as through interviews with registration officials, refugee leaders and refugees.

Registration point set-up and materials

The registration was set to begin at 8 a.m. but the actual time of starting varied from one registration point to another, with the latest starting time observed being 10.30. The most often cited reason for delay was the late arrival of materials. In one instance refugees were waiting for a "government official" to be present before having it explained that the registrars and supervisor were mandated by the Government.

Overall, registration points were set up correctly with acceptable variations from the official guidelines. The actual size of the registration points varied considerably, as did the materials used for their "construction". These included tarpaulins, plastic sheeting and corrugated sheets. In some instances house porches were used. In some cases the registration points were only delineated by twine stretched around poles which, as the day wore on, tended to disappear as refugees pressed forward.

All registration points observed, except one, had closed polling booths that allowed for marking one's ballot in privacy. All polling booths were equipped with a nail for marking the ballot.

In the majority of sites visited all registration materials were present, but instances of missing materials were observed in some registration points. These included identity cards and registration forms. However, contingency plans had been made for such occurrences and, apart from contributing to overruns in time, this is not expected to have had an effect on the overall results.

Personnel

Registration personnel were selected at the village level, and there were considerable variations in their education level and competency. Registrars came from all walks of life and included, inter alia, village and sub-village chiefs, other public servants, students, housewives and church and non-governmental organizations workers. All registrars questioned were from the local surrounding communities.

Village officials had the responsibility for selecting the number of registrars. In some cases only two registrars were present. In one case observed the number of four registrars was increased to eight as night approached and many refugees remained to be registered.

Several registrars complained of having only received the registration procedure guidelines the day before and not being sufficiently trained. This in large part explained why registration often progressed very slowly in the early part of the day, to accelerate later as registrars became more familiar with procedures. The registration procedures being relatively simple to follow, this is not expected to have had an effect on the overall results.

In all registration points observed two security officers from either POLRI (Indonesian National Police) or TNI (Indonesian armed forces) were present. The

security personnel's presence remained visible but discreet, and no disturbances were observed.

At least one refugee community leader, and often two, was present in most registration points observed. Their role was to facilitate the refugees' participation through providing explanations and translating where necessary, and assisting in the overall organization. The refugee leaders were not directly mingled with registration officials and were not seen working with registration forms. On one occasion a refugee leader was observed sitting outside the polling booth holding the envelope for the marked ballots, but this was immediately rectified.

All registration officials were observed to have appropriate identification. This was not, however, the case for refugee leaders, which sometimes made it difficult for observers to clearly identify them as persons authorized to be present in the registration point. As the day wore on there were, especially in the more populated sites, increasing instances of refugees crowding inside the registration points rather than forming orderly queues.

Integrity and confidentiality

All forms observed were completed and interviews were carried out in the presence of family members. The observers are unable to comment on the eligibility of those registering as defined by the registration technical guidelines.

In all registration points observed, proper ink marking was made on all family members. On one occasion a government official mentioned to an observer that he had seen children leave the registration point without an ink marking but he brought them back. This lapse was apparently due to poor organization of the registration point and had been rectified.

All but one of the polling booths observed provided adequate privacy for refugees to mark their ballots demonstrating the choice between remaining in Indonesia or returning to East Timor. Envelopes rather than ballot boxes were used for receiving the ballots. The location of the envelopes varied from one registration point to another. In some cases the envelope was hanging just outside the booth, while in others it was placed on a table next to a registration official. In several registration points the unsealed envelopes were positioned inside the polling booth.

The observers note that the balloting was open to all adults aged 17 and over, and that women were participating fully in the process.

The observers feel it would have been more appropriate and would have better ensured confidentiality if sealed ballot boxes had been placed inside the booths. As it was, the refugees had to exit the booth with the folded ballot in their hand before depositing it in the envelope, the location of which varied from being just outside the booth to some three metres away. The observers, however, agree that minimum standards of confidentiality were respected in the registration points observed.

The policy on the counting of ballots was that this should be undertaken at the registration point but without the result being announced. However, due to pressure from the refugees who wished to ensure transparency, it was agreed that the announcement could be made immediately upon completion of the counting. The observers concur that the immediate public announcement of the count bore no adverse effect on the overall result. All ballot counting observed was carried out in

the proper manner by registration officials in the presence of a refugee witness. Other refugees were able to witness the counting from the registration point perimeters. No cases of interference were observed, and the presence of refugees is not judged to have affected the result.

General observations

The observers applaud the overall organization of the registration of refugees in Nusa Tenggara Timur province on 6 June, particularly in view of the logistical challenges involved in setting up 507 registration points throughout the province. Registration officials were observed to be keenly committed to carrying out the procedures as instructed by registration guidelines.

Equally, the observers commend the security arrangements implemented by the Indonesian authorities, which ensured a generally incident-free day. At no time was any direct physical intimidation of refugees or officials observed.

It became clear by midday, especially in camp locations, that many registration points would not be able to complete the registration by 5 p.m. Several observers visited registration points during the evening of 6 June and observed the process continuing by candlelight or electricity when it was available. No significant differences were found in the manner in which the registration was conducted after nightfall. The observers agree with the Government's decision to extend the registration beyond the planned 5 p.m. deadline in order to ensure the registration of all interested refugees, but they note that they were not present at the registration beyond 6 June.

The observers' findings did not markedly differ from one district or subdistrict to another, leading them to believe that the observations made in the 120 selected registration points can be considered applicable to the overall registration process on the given day. Clear differences did, however, emerge between observations made in registration points at camp and non-camp locations.

Non-camp locations were generally less crowded. Registration officials were firmly in charge of organizing the process and, in several instances observed, registration supervisors had experience in organizing elections, which clearly contributed to the professional manner in which the registration was conducted in their locations.

In camp locations refugee leaders were generally more active in organizing the process, controlling the larger crowds and providing explanations and information to what appeared to the observers as being a generally less well-educated and informed refugee population.

However, although the need for refugee leaders to be present in the registration points is understood, greater care should have been taken to define their role and to provide clear identification to those with authorization to be present. Equally, more effort could have been made by registration officials to control the crowding in and around the registration sites. Responses by refugee leaders to observers' questions as to how many refugees they estimated were going to register at their sites ranged from giving precise numbers to being unable to give any figure at all.

In both camp and non-camp locations registration officials and refugee leaders were forthcoming in answering observers' questions and facilitating the observation

process. Outside of the camps refugees were generally open to being interviewed by observers on the subjects of whether they had received sufficient information and understood the process in which they were participating, as well as the implications of the choices on the ballot. In the camp registration points refugees were generally more hesitant to speak to the observers and, in several instances, were actively discouraged from doing so by refugee leaders.

Overall, refugees appeared to be aware of the importance of registering and did so with enthusiasm. Equally, they appeared to understand all the steps in the registration process. There was less clarity in their understanding of the implications of the ballot choices. Most refugees questioned responded that they had been reached by the socialization campaigns conducted by both the Government and refugee organizations, though a number indicated their feeling that the information provided was insufficient. The observers noticed in many instances information posters in the registration points, however some refugees complained that not enough was written in Tetun.

A number of refugees questioned stated that the timing of the ballot was not ideal. Opting for return was widely understood as meaning that they would have to do so almost immediately, thereby, as explained by the refugees, not allowing them to wait first for the results of the East Timor elections, forfeiting the right to any severance package in the case of government employees and preventing children in school from taking exams.

At the same time, the overwhelming majority of refugees interviewed held high expectations of the assistance that was to be provided to those opting to stay in Indonesia.

As a final observation, the observers wish to draw attention to the unexpectedly large total number of refugees who registered as indicated by preliminary announcements from the Indonesian Government Media Centre. In their selected locations, and during the periods of their observation, the observers did not witness any irregularities that can lead them to comment on these preliminary results. The observers cannot validate the final number of those who registered. Based, however, on their observation that the registration forms were generally properly completed, they suggest that a thorough analysis of the collected data should enable the Government to detect any such irregularities. This analysis should also clarify the number of refugees who left East Timor in 1999 and remain in Nusa Tenggara Timur, as distinguished from those who form part of the broader categories of persons eligible for registration.

Conclusions

The overall goal of the observers in participating in the registration was to support the Government of the Republic of Indonesia's commitment and efforts to find durable solutions to the East Timorese refugee problem. The observers hope that both the Government and the international community view the findings as a positive contribution towards this end.

Overall, the observers conclude that, despite the insufficiencies noted above, the registration process and balloting were carried out on the day in a manner that respected procedures and confidentiality to an acceptable degree. The observers trust that the collected data will be analysed carefully by the Government in order to

ensure the credibility of the results. They further note that, based on their observations, the ballot should be viewed as a choice made by the refugees on the day, and not necessarily as an indication of their permanent intentions.

The observers reiterate their appreciation to the Registration Chairman, the Department of Foreign Affairs, the Government of Nusa Tenggara Timur, the police and the armed forces for sparing no efforts in facilitating their full, free and secure access to the registration points.

Done in Jakarta 15 June 2001

On behalf of the International Observers
The Observer Coordinator
Head of the IOM Liaison Office for Indonesia

(*Signed*) Richard **Danziger**